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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,016	08/25/2000	John P. Wesson	60.469-021	6134

26584 7590 06/10/2002

OTIS ELEVATOR COMPANY
INTELLECTUAL PROPERTY DEPARTMENT
10 FARM SPRINGS
FARMINGTON, CT 06032

EXAMINER
TRAN, THUY VAN

ART UNIT	PAPER NUMBER
3652	

DATE MAILED: 06/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/648,016	Wesson et al.
Examiner	**Art Unit**
Thuy V. Tran	3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Mar 11, 2002* .

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *13-28* is/are pending in the application.

4a) Of the above, claim(s) *22-28* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *13-21* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 13-21, drawn to an elevator door assembly comprising a resilient material track having a first surface characteristic near at least one end of the track and a second surface characteristic that is different than the first surface characteristic on another portion of the track, classified in class 187, subclass 334.

II. Claims 22-28, drawn to an elevator door assembly comprising a motor assembly associated with a magnetic roller, classified in class 187, subclass 316.

2. The inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as the resilient material track having two different surface characteristics can be used by itself or with non-magnetic roller. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. Newly submitted claims 22-28 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: newly added limitations "a motor assembly associated with the roller for movement with the roller, the roller including a plurality of magnetic portions that cooperate with the motor assembly to cause selectively movement of the roller", found in claim 22, lines 5-7, has changed the scope of the claims.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 22-28 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 13 and 16-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 13, the recitation "the resilient material having a first surface characteristic near at least one end of the track and a second surface characteristic that is different than the first surface characteristic on another portion of the track", found in lines 5-7, renders the claim indefinite because it's not understood what Applicants mean by surface characteristic.

Claim Rejections - 35 USC § 102

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 13-16 and 21 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Spiess 5,655,626.

Spiess '626 discloses an elevator door assembly comprising a rail 11, 16, Fig. 2C, a resilient material track at least partially received by the supporting surface on the rail, the resilient material having a first surface characteristic 26 near one end and a second surface characteristic (middle portion) that is different than the first characteristic, wherein the first surface characteristic has a rougher surface than the second surface and the first and second surface formed from different materials.

Claim Rejections - 35 USC § 103

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 17, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spiess 5,655,626.

Spiess '626 discloses that the resilient track can be formed from an elastic material.

It would have been an obvious matter of design choice to have formed the resilient track of Spiess from one of polyurethane, a polyester elastomer, a flourelastomer, vulcanized rubber or a spray-on material, since applicant has not disclosed that having the track comprised one of polyurethane, a polyester elastomer, a flourelastomer, vulcanized rubber or a spray-on material solves any stated problem and it appears that the invention would perform equally well with any elastic materials.

A plurality of independently removable portions track would have been an obvious choice of track type base upon availability, relative cost, and design preferences of the constructor. In other words, when a prior art shows a track comprises portions each can be formed from different materials, it would have been obvious to one having ordinary skill in the art to have employed a plurality of independent portions that are independently removable.

11. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spiess 5,655,626 in view of Sukale 5,852,897.

Spiess '626 does not disclose a roller including a plurality of magnetic portions that interact with an electric motor assembly to selectively cause the roller to roll along the track.

Sukale '297 discloses a door drive system comprising a roller 4 including magnetic portions 5 that interact with electric motor assembly 6 to selectively cause the roller to roll along the track 6.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have employed the drive system of Sukale for the elevator door assembly of Spiess in order to provide a simple and compact friction wheel drive for a sliding door assembly.

Response to Arguments

12. Applicant's arguments filed March 11, 2002 have been fully considered but they are not persuasive.

Applicants argue that there is no discussion or suggestion within Spiess reference for having different surface characteristics on different portions of a track. First, it's not understood what Applicant meant by "different surface characteristics". In other words, it is not clear whether the surface characteristics are different in structural, materials, or frictional. Finally, Spiess reference clearly discloses in column 4, lines 1-9 that the track has different surface characteristics on different portions.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Each of the cited references separately discloses a magnetic door drive system for sliding door.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy v. Tran whose telephone number is (703) 308-2558.

EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

TVT (TVT)

June 3, 2002